

UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

CHARLES RANANDO STEWART, JR.,

Petitioner,

v.

PATRICK COVELLO,

Respondent.

No. 2:25-cv-0819 CKD P

ORDER

On March 17, 2025, the court recommended that petitioner's request for a stay under Rhines v. Weber, 544 U.S. 269 (2005) be denied, petitioner's request for a stay under Kelly v. Small, 315 F.3d 1063 (9th Cir. 2003) be granted, and that petitioner's petition for a writ of habeas corpus be dismissed with leave to file an amended petition. In objections to the findings and recommendations, petitioner indicates that he would prefer to file his amended petition before the original is dismissed.<sup>1</sup> Good cause appearing, IT IS HEREBY ORDERED that:

1. The court's March 17, 2025, findings and recommendations are vacated; and

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<sup>1</sup> Petitioner prefers this approach as he feels dismissal of the original petition before the filing of the amended may have an adverse impact on him in terms of the running of the applicable limitations period. The court makes no representation herein as to anything concerning the running of the limitations period.

1           2. Petitioner is granted 14 days within which to file an amended petition for writ of  
2 habeas corpus omitting claims 2, 3 and 4 in the original petition. Once the amended petition is  
3 filed, the court will address petitioner's motion for a stay.

4 Dated: March 31, 2025



CAROLYN K. DELANEY  
UNITED STATES MAGISTRATE JUDGE

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